

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE**

TIMOTHY HOPSON, SR.,

Plaintiff,

v.

FIRST ONSITE, INC.,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

Case No. 2:21-cv-147

Judge Travis R. McDonough

Magistrate Judge Cynthia R. Wyrick

ORDER

Before the Court is Plaintiff's application to proceed *in forma pauperis* (Doc. 1). On November 3, 2021, Magistrate Judge Cynthia R. Wyrick issued a report and recommendation recommending that the application be granted but that the case be dismissed without prejudice for lack of subject matter jurisdiction. (Doc. 7.) Neither party filed a timely objection to the report and recommendation.¹

After reviewing the report and recommendation, the Court agrees with Magistrate Judge Wyrick's well-reasoned conclusions. Accordingly, the Court **ACCEPTS** and **ADOPTS** the report and recommendation (Doc. 7), and **ORDERS** that Plaintiff's application to proceed *in forma pauperis* (Doc. 1) is **GRANTED**. In accordance with Magistrate Judge Wyrick's recommendation, the Clerk is **DIRECTED** to file the complaint without prepayment of costs or fees but shall not issue process at this time. (*See* Doc. 7, at 2.) The Court will further **ORDER**

¹ Plaintiff did submit a supplement to his complaint, but the supplement does not address the lack of diversity of citizenship identified by Magistrate Judge Wyrick in her report and recommendation. (*See* Doc. 8.)

that this case be **DISMISSED WITHOUT PREJUDICE** for lack of subject-matter jurisdiction.

The pending motion to allow electronic filing (Doc. 5) is **DENIED AS MOOT**.

AN APPROPRIATE JUDGMENT WILL ENTER.

/s/ Travis R. McDonough

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**